

MEMORANDUM

To: Interested persons

From: Bob Burns, Office of Rep. Andy Meisner
Dale Hull, Office of Rep. Bill Huizenga

Date: 10/17/05

Re: Negotiations between AIA-Michigan and CIDR on interior design licensure bills

Main points of discussion of interior design licensure negotiations between AIA-Michigan and CIDR

Following the June 22nd Commerce Committee meeting, representatives of the Coalition for Interior Design Registration (CIDR) and the American Institute of Architects, Michigan (AIA-MI) were charged with negotiating a compromise between the two groups on the package of bills creating interior design licensure. Stakeholders were given 30 days.

Those in attendance at the meetings included:

House of Representatives:

- Representative Bill Huizenga
- Representative Andy Meisner
- Dale Hull, Office of Representative Bill Huizenga
- Bob Burns, Office of Representative Andy Meisner

Architects:

- Stuart Pettitt representing AIA-MI (Architects)
- Jill Stewart representing AIA-MI (Architects)

Engineers: (Initial meeting only)

- Maura Nesson representing MSPE (Professional Engineers)
- Ron Brenke representing ACEC-MI (Engineers)

Interior designers:

- Linda Thomas representing CIDR (Coalition for Interior Design registration)
- Leonard Else representing ASID (Interior Designers)
- Virginia North Ph.D. of Lawrence Technological University (Interior design department and holder of a PhD in architecture) *(Initial meeting only)*

Lobbyists:

- Kevin McKinney of McKinney & Associates (CIDR)
- Jim Cavanaugh of Kelley Cawthorne (AIA-MI)

CIDR Proposal

House Bills 4262, 4311 and 4312 as introduced is CIDR's original proposal. The three-bill package creates a system for interior design licensure, (4311) allows interior designers to seal

documents and pull permits for limited projects (4262) and sets a fee system to pay for the licensure program. (4312)

First Meeting: Thursday, June 30

Defining the problem and positions on issues:

The interior designers outlined the restrictions in law that restrains the interior designer's ability to practice their trade and their scope of practice.

- AIA-MI recognizes the restraint of trade that interior designers are working under and agrees that the scope of practice within PA 250 of 1998 accurately reflects the job and qualifications of interior designers.

Architects are asked what their opposition for licensure is, if the above is true.

- Could not outline their reasoning for opposing licensure.
- AIA-MI referred to AIA's national policy. A copy of the AIA-MI policy was provided, which states the policy, but does not explain the policy rationale.
- AIA was able to continue with the statement that interior designers should not be doing structural work, etc, but since we had an agreement on the proper scope of practice, that point was moot.

Not knowing the rationale for their objections has made negotiations difficult.

Code proposal:

At the June 30th meeting, Cavanaugh offered the following proposal as a substitute for the three bill package.

AIA-MI code proposal:

Amends the Michigan Building code to exempt the following work from any permits:
"FINISHES, SYSTEMS FURNITURE, FURNISHING, FIXTURES, EQUIPMENT, AND
INTERIOR PARTITIONS THAT DO NOT EFFECT THE BUILDING MECHANICAL,
STRUCTURAL, ELECTRICAL, OR FIRE SAFETY SYSTEMS."

(See attached)

Conclusions:

Points of difference from first meeting:

- Defining opposition to licensure.
- Since the code is modified every three years and the 2006 code negotiations have been recently completed, any code proposal, even if it was effective, would not be in effect until 2009.
- Code changes and technical bulletins have been tried to rectify the conflict without success. A change in law is required to assure building officials and city attorney's that any permits issued would not place officials in conflict with code or statute.
- The code change does not encompass the entire, proper and agreed upon scope of practice of interior designers
- This proposal is in direct conflict with their committee testimony.

Points of agreement from first meeting:

- Mr. Pettitt representing AIA-MI agreed that the scope of practice within PA 250 of 1998 accurately reflects the job and qualifications of interior designers.
- Mr. Pettitt recognized the restraint of trade that interior designers are working under.
- Mr. Brenke representing ACEC-MI stated that if interior designers were to work under a proper scope of practice, they wouldn't have a problem with licensure. *(The engineers did not attend subsequent meetings.)*
- Both sides agreed that interior designers should not be designers of load-bearing structures.

At the conclusion of the first meeting, Architects agree to return with legislative proposal for the next meeting.

Second Meeting: Wednesday, July 6th

Exchange of legislative proposal:

Kevin McKinney meets with Jim Cavanaugh to receive the architects' legislative proposals. The second meeting was merely an exchange of proposals. These proposals were evaluated and discussed at the third meeting.

AIA-MI legislative proposal 1:

NOTE: All proposals were marked: "...SUBJECT TO APPROVAL BY AIA-MI, MSPE AND ACEC-MI."

Legislative proposals:

Substitute for HB 4311:

(See attached)

- Simple registration bill written by AIA-MI.
- Proposed ads registration, but it removes the scope of practice and other previously negotiated items of PA250 of 1998. It gives with one hand and takes away with another.

Substitute for HB 4262:

(See attached)

- Legislative proposal that would remove the requirement that projects involving interior design services need ANY permit.
- Would allow any person to do interior design work, without any supervision, training or qualifications.

Conclusions:

CIDR response to substitute to HB 4311:

- Concede registration instead of licensure, but must include:
 - Scope of practice as currently defined in law (as approved by representatives of the Architects) with desire to also add lighting to that list.
 - Definition of Material Effect per definition created by building code official
 - Grandfather clause/Grace period
 - Fees to make program self-sustaining
 - Board of interior design

CIDR response to first AIA proposed substitute to HB 4262:

- HB 4262 must allow for limited permits

- This proposal would allow any person to do the work, without any supervision. This is work that the Architects had previously testified should be reserved for Architects and Engineers in order to protect the safety and welfare of the public.
- This is the second proposal in direct conflict with their committee testimony.

Third Meeting: Wednesday, August 10th

Rep. Huizenga and Meisner attended.

The meeting began with Rep. Huizenga asking for an overview of the situation.

- Both parties described the legislative proposals.
- AIA-MI representatives attempted to explain how their new proposals would accomplish the goals of the interior designers.
- AIA-MI Representatives were asked how all of their proposals were justified considering their committee testimony arguing that only Architects and Engineers were qualified to do the work interior designers are seeking.

Conclusion:

The outcome of the meeting was a request by Rep. Huizenga's that the Architects evaluate the possibility of supporting a registration bill that does not remove the scope of practice currently in statute.

Fourth Meeting: Wednesday, August 24th:

Prior to this meeting, Jim Cavanaugh sent over a tweak to their substitute for HB 4262. The meeting began with a discussion of the technical aspects of it. They did not supply feedback on Rep. Huizenga's August 10th request until probed.

Second substitute for HB 4262:

(See attached)

- In place of their suggested substitute that no permits be required for specified interior design services, this sub would require permits, but anyone would be considered qualified to apply for them.
- No sealed or stamped drawings would be needed.
- This is the third proposal that conflicted with their committee testimony in favor of "protecting the safety and welfare of the public".
- This was in place of Rep. Huizenga request that the Architects come to the table with a proposal for registration that includes the current scope of practice in PA 250, which would include a proposal for HB 4311.

CIDR response to second AIA proposed substitute to HB 4262:

- While building code officials would oversee these permits, they do not have the same training that interior designers, architects or engineers have. It is there job to make sure drawings are drawn correctly and a properly qualified design professional (licensed or registered) has designed the building modifications in question. Their job is not to make changes to the designs based on equal knowledge to an architect, interior designer or engineer.
- If a building official is in doubt, they will require a stamp of a licensed designed professional, further leading to existing confusion

Burns repeatedly asked if their registration proposal was now off the table, considering they did not respond to Rep. Huizenga's request for AIA-MI to evaluate a registration bill that does not eliminate the scope of practice currently in law.

Substitute for 4311

- AIA-MI would not agree to a registration bill, unless:
 - Sponsors and CIDR agreed to remove the scope of practice currently in law, and the bill be modified to not allow for permits to be pulled by interior designers.
 - Would correspond with AIA national policy.
 - In conflict with AIA-MI's proposals would have allowed anyone to pull these permits, jeopardizing the safety and welfare of the public.

Conclusions:

At the end of the meeting, at AIA-MI's request, Burns agreed to Cavanuagh's request that a building official be asked for his opinion of the AIA-MI substitute for HB 4262 and take AIA's most recent response back to Meisner and Huizenga for evaluation.

Building official response to substitutes for HB 4262:

According to Wayne Jewell, Building Inspector for Southfield:

- The substitutes to HB 4262 would further consolidate design services with Architects and Engineers.
- Language would be in conflict with other state law as well as code, which would further confuse building officials.
- There are many terms in the proposal which are vague and undefined, including: "Do not effect".

Negotiations Conclusions:

Following the first negotiation meeting, there were several points of agreement, including scope of practice, restraint of trade and other items. We were also optimistic that both sides could come to an agreement on registration. Both sides had compromised and acquiesced to registration. Unfortunately, following initial agreement, negotiations slowed. The registration bill was not further discussed by the AIA-MI. Subsequent proposals offered little point of negotiation due to CIDR concerns over the safety of the public, as well as these proposals contradicting the Architect's own testimony, as well as other deficiencies.

Considering the conflicts between AIA-MI testimony and their code and legislative proposals, coupled with AIA inability to define their opposition to licensure, a compromise was not reached.